

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RICARDO VELASQUEZ,

Plaintiff,

-against-

BEST WAY DRIVING SCHOOL INC, BEST WAY  
DRIVING SCHOOL INC., a New York corporation,  
d/b/a BEST WAY DRIVING SCHOOL, and  
FRANKLIN AVE ESTATES OWNER LLC, a  
Delaware limited liability company,

Defendants.

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1:21-cv-10872-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

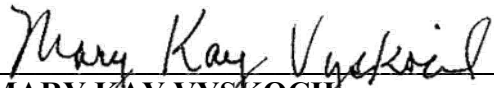
Plaintiff initiated this action by filing a complaint on December 19, 2021. [ECF No. 1]. Affidavits of service of summons and complaint were filed on the docket on February 27, 2022. [ECF Nos. 7-8]. According to those summonses, Defendants' responses to the complaint were due February 17, 2022. [ECF Nos. 7-8]. No responses were filed by that date. On April 4, 2022, the Court issued an order directing Plaintiff to move for default judgment by May 4, 2022, and warned that failure to do so may result in dismissal of the action for failure to prosecute. [ECF No. 9]. On May 4, 2022, the Plaintiff filed a letter requesting an extension of 30 days in which to move for default, which the Court granted. [ECF Nos. 10-11]. On June 3, 2022, the Plaintiff filed another letter requesting an extension of 30 days in which to move for default, which the Court granted. [ECF Nos. 12-13]. To date, Plaintiff has taken no further action to prosecute this case.

Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued for failure to prosecute without costs to any party and without prejudice to restoring the action to this Court's calendar if the application to restore the action is made by August 12, 2022. If no

such application is made by that date, today's dismissal of the action is with prejudice. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

**SO ORDERED.**

**Date: July 12, 2022**  
**New York, NY**

  
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**MARY KAY VYSKOCIL**  
**United States District Judge**